

<b>GORHAM SAND &amp; GRAVEL</b>	)	<b>DEPARTMENTAL</b>
<b>YORK</b>	)	<b>FINDINGS OF FACT AND ORDER</b>
<b>BUXTON, MAINE</b>	)	<b>AIR EMISSION LICENSE</b>
<b>A-858-71-A-N</b>	)	<b>AFTER THE FACT</b>

After review of the air emission license application, staff investigation reports, and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

# **I. REGISTRATION**

## **A. Introduction**

Gorham Sand and Gravel, located in Buxton, Maine has applied, After the Fact, for an Air emission License, permitting the operation of a portable crushed stone and gravel facility.

## **B. Emission Equipment**

### **Rock Crushers:**

<u>Designation</u>	<u>Powered</u>	<u>Process Rate</u> <u>(tons/hour)</u>	<u>Control Device</u>	<u>Date of</u> <u>Manufacture</u>
RC-1, Crusher	Diesel	507	Spray Nozzles	Post 1983

### **Diesel Units:**

<u>Source ID</u>	<u>Max. Capacity</u>	<u>Max. Firing Rate</u>	<u>Power Output</u>
RC-1 Drive	0.78 MMBtu/hr	13 gal/hr	250 hp

## **C. Application Classification**

Gorham Sand and Gravel is considered to be an existing source applying for an after-the-fact license. The application for Gorham Sand & Gravel is classified as non-major based on the diesel emissions, and the small, unquantifiable rock crusher emissions. The license is for a non-major source and has been processed as such.

## II. BEST PRACTICAL TREATMENT

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

In order to receive a license, the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in Chapter 100 of the Bureau of Air Quality regulations. BPT for new units consists of meeting Best Available Control Technology (BACT).

### A. Rock Crushers

The rock crusher was manufactured in 2002 with a rated capacity 507 ton/day. The rock crusher is therefore subject to EPA New Source Performance Standards (NSPS) Subpart OOO for Nonmetallic Mineral Processing Plants manufactured after August 31, 1983, with capacities greater than 150 tons/hr for portable plants and greater than 25 tons/hr for non-portable plants.

The regulated pollutant from the rock crusher is particulate emissions. To meet the requirements of Best Practical Treatment (BPT) for control of particulate matter (PM) emissions from the rock crushers, Gorham Sand & Gravel shall operate and maintain water sprays on the rock crusher. Visible emissions from the rock crusher shall be limited to no greater than 10% opacity on a 6 minute block average basis.

### B. Diesel Unit

Diesel unit RC-1 is utilized primarily to power the rock crusher (Diesel Drive Unit) or to provide electrical power to the rock crusher (Diesel Generator). Total fuel use in the diesel unit shall not exceed 40,000 gal/year of diesel fuel, based on a 12 month rolling total, with a maximum sulfur content of 0.05% by weight.

Emissions for the diesel fired generator are based on AP-42 factors and emissions shall not exceed the following:

Pollutant	Lb/MMBtu	Lb/hr	Ton/yr
PM	0.08	0.14	0.22
PM <sub>10</sub>	-	0.14	0.22
SO <sub>2</sub>	-	0.09	0.14
NO <sub>x</sub>	-	7.85	12.08
CO	-	1.69	2.60
VOC	-	0.62	0.96

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To meet BPT visible emission requirements, the diesel unit shall not exceed an opacity of 20% on a 6 minute block average basis,

**C. Stock Piles and Roadways**

BPT for all potential sources of fugitive PM emissions, including material stockpiles and unpaved roadways, shall be controlled by wetting with water, with calcium chloride, or other methods as approved by the Bureau of Air Quality to prevent visible emissions in excess of 10% opacity, on a 3 minute block average basis.

**D. Facility Emissions and Fuel Use Caps**

Total fuel use shall not exceed 40,000 gal/year of diesel fuel, based on a 12 month rolling total, with a maximum sulfur content of 0.05% by weight.

**Total Allowable Annual Emissions for the Facility**  
(used to calculate the annual license fee)

<b>Pollutant</b>	<b>Tons/Year</b>
PM	0.22
PM <sub>10</sub>	0.22
SO <sub>2</sub>	0.14
NO <sub>x</sub>	12.08
CO	2.60
VOC	0.96

**III. AMBIENT AIR QUALITY ANALYSIS**

**New Source**

According to the Maine Regulation Chapter 115, the level of air quality analyses required for a minor **new** source shall be determined on a case-by-case basis. Based on the information available in the file, and the similarity to existing sources, Maine Ambient Air Quality Standards (MAAQS) will not be violated by this source.

**ORDER**

Based on the above Findings and subject to conditions listed below the Department concludes that the emissions from this source:

will receive Best Practical Treatment,  
will not violate applicable emission standards,  
will not violate applicable ambient air quality standards in  
conjunction with emissions from other sources.

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The Department hereby grants Air Emission License A-858-71-A-N, subject to the following conditions:

**STANDARD CONDITIONS**

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions.
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115.
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both.
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request.
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. § 353.
- (6) The license does not convey any property rights of any sort, or any exclusive privilege.
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions.
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request.
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an

application by the licensee for a renewal of a license or amendment shall not stay any condition of the license.

- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license.
- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
- (i) perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
    - a. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
    - b. pursuant to any other requirement of this license to perform stack testing.
  - (ii) install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
  - (iii) submit a written report to the Department within thirty (30) days from date of test completion.
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- (i) within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
  - (ii) the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
  - (iii) the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement.
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation.
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status.

#### **SPECIFIC CONDITIONS**

(16) **Rock Crushers**

- a. Gorham Sand and Gravel shall operate and maintain spray nozzles for particulate control on the rock crusher. Visible emissions from the crusher shall be limited to no greater than 10% opacity on a 6 minute block average basis.
- b. Gorham Sand and Gravel shall maintain a log detailing the maintenance on the water spray nozzles. The maintenance log shall be kept on-site at the rock crushing location.
- c. Gorham Sand and Gravel shall maintain a log detailing and quantifying the hours of operation on a daily basis for the rock crusher. The operation log shall be kept on-site at the rock crushing location.

(17) **New Source Performance Standards for rock crushers**

- a. The new rock crusher is subject to 40 CFR Part 60 Subparts A and OOO and Gorham Sand and Gravel shall comply with the notification and record keeping requirements of 40 CFR Part 60.676 and Part 60.7, except for Section (a)(2) of 60.7 per Subpart OOO, §60.676(h).
- b. Gorham Sand and Gravel shall have an initial performance test performed on the rock crushing operation per the applicable sections of 40 CFR Part 60, Subpart OOO, §60.675. This consists of a certified Method 9 observation. The performance test shall be completed within 60 days after achieving the maximum production rate at which the unit will be operated, but no later than 180 days after initial startup of the unit. Gorham Sand and Gravel shall submit

a test notice to the regional inspector at least 30 days prior to the performance test. Any rescheduled test requires a 7 day notice to the regional inspector.

**(18) Diesel Units**

- a. Fuel use records and receipts for the diesel unit RC-1 shall be maintained for at least six years and available to the Department upon request.
- b. Gorham Sand and Gravel shall not exceed the total use of 40,000 gal/year of diesel fuel (12 month rolling total), with a sulfur content not to exceed 0.05% by weight. Emissions from the diesel unit RC-1 shall be limited to the following

<u>Pollutant</u>	<u>Lb/MMBtu</u>	<u>Lb/hr</u>	<u>Ton/yr</u>
PM	0.08	0.14	0.22
PM <sub>10</sub>	-	0.14	0.22
SO <sub>2</sub>	-	0.09	0.14
NO <sub>x</sub>	-	7.85	12.08
CO	-	1.69	2.60
VOC	-	0.62	0.96

- c. Visible emissions from the diesel unit shall not exceed 20% opacity on a 6 minute block average.

**(19) Stockpiles and Roadways**

Potential sources of fugitive PM emissions including material stockpiles and unpaved roadways shall be controlled by wetting with water, with calcium chloride, or other methods as approved by the Bureau of Air Quality to prevent visible emissions in excess of 10% opacity, on a 3 minute block average basis.

**(20) Equipment Relocation**

- a. Gorham Sand and Gravel shall notify the Bureau of Air Quality, by a written notification at least 10 days in advance, prior to relocation of any equipment carried on this license. The notification shall be sent to:

Attn: Relocation Notice  
Maine DEP  
Bureau of Air Quality  
17 State House Station  
Augusta, ME 04333-0017

The notification shall include the address of the equipment's new location and the license number pertaining to the relocated equipment.

- b. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification will be made to the respective county commissioners.

- (21)** Gorham Sand and Gravel y shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order.

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- (22) Gorham Sand and Gravel shall pay the annual air emission license fee within 30 days of **May 31st** of each year. Pursuant to 38 MRSA §353-A, failure to pay this annual fee in the stated timeframe is sufficient grounds for revocation of the license under 38 MRSA §341-D, subsection 3.
- (23) The term of this order shall be for five (5) years from the signature date below.

DONE AND DATED IN AUGUSTA, MAINE THIS                      DAY OF                      , 2003.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_  
DAWN R. GALLAGHER, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 2/28/03

Date of application acceptance: 3/31/03

Date filed with the Board of Environmental Protection: \_\_\_\_\_

This order prepared by Jonathan Voisine Bureau of Air Quality.